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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,013	07/13/2000	Yoshihiro Ishikawa	15689.53	3923

22913 7590 08/26/2005

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/616,013

Applicant(s)

ISHIKAWA ET AL.

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 24, 25 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 12, 13, 26-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 2-10 and 14-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12, 13, 26, 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yazaki et al (US 6,108,541) in view of Masahiro (EP 0 903 951).

Regarding claims 1 and 13, 28, Yazaki teaches a cell search control method by which a mobile station searches for a control channel transmitted by a base station to capture and receive the control channel, and determines which base station to communicate with or to be standby for, said cell search control method comprising: a measuring step of measuring a first receiving plurality of each of a plurality of currently captured control channels (col. 7, lines 9-33); an obtaining step of obtaining a second receiving quality from the first receiving qualities measured by said measuring steps and a control step of determining a degree of how frequent searches for new control channels are conducted in response to the second receiving quality obtained by said obtaining step (col. 4, line 50- col. 5, line 25 & col. 7, lines 9-33).

However, Yazaki fails to specifically disclose the control channel(s) is/are actual perch channel(s).

In related art, Masahiro teaches a cell search control method by which a mobile station searches for a perch channel transmitted by a base station to capture and receive the perch channel, and determines which base station to communicate with or to be standby (col. 3, lines 11-23).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use perch channel(s) to detect whether or not a base station(s) is/are close as taught by Masahiro in order to know which can be used as a primary base station inherently must detect the intensity of the perch channel(s) of the base station(s).

Regarding claims 12, 26 and 30, Yazaki teaches cell search control method by which a mobile station searches for a control channel transmitted by a base station to capture and receive the control channel, and determines which base station to communicate with or to be standby for, said cell search control method comprising: a detecting step of detecting a moving speed of the mobile station (col. 5, lines 26-39); and a controlling step of controlling a degree of how frequent searches for new control channels are conducted in response to the moving speed detected by said detecting step such that when the moving speed is high, the degree of how frequent searches for new control channels are conducted is high, whereas when the moving speed is low, the degree of how frequent searches for new control channels are conducted is low (col. 5, lines 26-39 & col. 12, line 59- col. 13-27).

However, Yazaki fails to specifically disclose the control channel(s) is/are actual perch channel(s).

In related art, Masahiro teaches a cell search control method by which a mobile station searches for a perch channel transmitted by a base station to capture and receive the perch

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channel, and determines which base station to communicate with or to be standby (col. 3, lines 11-23).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use perch channel(s) to detect whether or not a base station(s) is/are close as taught by Masahiro in order to know which can be used as a primary base station inherently must detect the intensity of the perch channel(s) of the base station(s).

Regarding claim 27, Yazaki teaches the mobile station monitors paging itself by intermittent reception in a standby mode (col. 12, line 59- col. 13-27).

Allowable Subject Matter

Claims 2-10 & 14-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2-10 & 14-23, please see reasons for allowance in office action dated 3/4/04.

Claims 11, 24, 25 and 29 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 11, 24 and 29, please see reasons for allowance in office action dated 3/4/04.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

E.O. 8/16/05